

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

**CERTAIN UNDERWRITERS AT
LLOYD'S LONDON and CERTAIN
INSURANCE COMPANIES
SUBSCRIBING TO POLICY
ME1710087, individually and as
subrogees of DEVON ENERGY
PRODUCTION COMPANY, L.P.,
et al,**

Plaintiff,

V.

Case No. CIV-22-640-G

**CAMERON INTERNATIONAL
CORPORATION,**

Defendant.

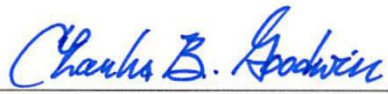
ORDER

Now before the Court is Defendant Cameron International Corporation’s Motion to Dismiss (Doc. No. 10), filed on August 12, 2022, and seeking dismissal of Plaintiff’s First Amended Petition (Doc. No. 1-4). Plaintiffs filed their original Petition (Doc. No. 1-2) in the District Court of Oklahoma County on June 20, 2022, and amended the original Petition as a matter of course on July 29, 2022. *See* Doc. No. 1-4. Defendant removed this action to federal court on July 29, 2022, *see* Notice of Removal (Doc. No. 1), and filed the instant Motion to Dismiss (Doc. No. 10) on August 12, 2022. In response, Plaintiffs filed an “Amended Complaint” (Doc. No. 38) on September 2, 2022. Defendant then filed a second Motion to Dismiss (Doc. No. 62), arguing that Plaintiffs’ Amended Complaint should also be dismissed pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6).

Under Rule 15(a)(1), a plaintiff may amend his pleading once as a matter of course within: (A) “21 days after serving it”; or (B) “21 days after service of a responsive pleading” Fed. R. Civ. P. 15(a)(1). “In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave.” *Id.* 15(a)(2). Because Plaintiffs’ Amended Complaint constitutes a second amendment, it is not an amendment as a matter of course within the meaning of Rule 15(a)(1). In the parties’ Joint Motion for Entry of Briefing Schedule, however, the parties agreed that Plaintiffs’ Amended Complaint effectively moots Defendant’s first Motion to Dismiss. *See* Doc. No. 64 ¶ 2. The Court construes this representation as Defendant’s written consent to Plaintiffs’ filing of a second amended complaint in satisfaction of Rule 15(a)(2).

Plaintiffs’ Amended Complaint therefore supersedes the First Amended Petition and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991). Accordingly, Defendant’s Motion to Dismiss (Doc. No. 10) is DENIED AS MOOT.

IT IS SO ORDERED this 28th day of September, 2022.


 CHARLES B. GOODWIN
 United States District Judge